IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

CRP.No. 1303 of 2002

AA.18/2001 of APPELLATE AUTHORITY (LR),THRISSUR
R.C.NO.6/88 IN SM.66, 67 & 68/1984 of LAND TRIBUNAL (LR) III, MALAPPURAM

REVN. PETITIONER: APPELLANT/PETITIONER

SREE CHERUPANNIKKOTE DEVASWOM,
REPRESENTED BY ITS CHAIRMAN,KRISHNAN,
BOARD OF TRUSTEES CHERUPANNIKKOTT TEMPLE,
VAZHAYUR, MALAPPURAM.

BY ADV. SRI.V.V.SURENDRAN AND P.A.HARISH

RESPONDENTS: RESPONDENTS/RESPONDENTS

1. T.C.JANAKI, W/O. K.T.UNNIPERAVAN,
   RESIDING AT THEKECHOROTH HOUSE, EAST VAZHAYUR P.O.
   MALAPPURAM DISTRICT.

2. VELAYUDHAN, (DIED)
   S/O. UNNIPERAVAN, THEKKECHORATH HOUSE,
   EAST VAZHAYUR P.O., MALAPPURAM DISTRICT.

3. MADHAVAN, S/O. UNNIPERAVAN,
   THEKKECHORATH HOUSE, EAST VAZHAYUR P.O.,
   MALAPPURAM DISTRICT.

4. SIVADASAN, S/O.UNNIPERAVAN,
   THEKKECHORATH HOUSE, EAST VAZHAYUR P.O.,
   MALAPPURAM DISTRICT.

5. VASUDEVAN, S/O. UNNIPERAVAN,
   THEKKECHORATH HOUSE,EAST VAZHAYUR P.O.,
   MALAPPURAM DISTRICT.

6. PREMADASAN, S/O. UNNIPERAVAN,
   THEKKECHORATH HOUSE, EAST VAZHAYUR P.O.,
   MALAPPURAM DISTRICT.

7. PREMAKUMARI, D/O.UNNIPERUVAN,
   THEKKECHORATH HOUSE, EAST VAZHAYUR P.O.,
   MALAPPURAM DISTRICT.

8. RAJAN, S/O. UNNIPERAVAN,
   THEKKECHORATH HOUSE, EAST VAZHAYUR P.O.,
   MALAPPURAM DISTRICT.

9. STATE OF KERALA, REPRESENTED BY CHIEF
SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

THIRD RESPONDENT IS RECORDED AS SOLE LEGAL REPRESENTATIVE OF DECEASED SECOND RESPONDENT AS PER ORDER DT.22.11.07 IN I.A.NO.2896/2007.

R1, R3 TO R8BY ADV. SRI.K.M.SATHYANATHA MENON
R9 BY GOVERNMENT PLEADER

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 30/11/2007, ALONGWITH C.R.P.NO.1424 & 1426 OF 2002, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J.

C.R.P. Nos.1303, 1424 & 1426 OF 2002

Dated this the 30th day of November, 2007

O R D E R

These Civil Revision Petitions arise out of S.M.Nos.67 of 1984, 68 of 1984 and 66 of 1984 respectively, on the file of the Land Tribunal III, Malappuram. The revision petitioner was not a party to the suo motu proceedings. The suo motu proceedings were initiated showing the party respondents in the Revisions as cultivating tenants. The revision petitioner, namely, Sree Cherupannikkotte Devaswom, represented by its Chairman, Board of Trustees, filed applications before the Land Tribunal to get the Devaswom impleaded as additional respondent. Those applications were rejected by the Land Tribunal. The Land Tribunal passed the final orders holding that the party respondents in the Revisions are cultivating tenants in respect of the respective extent of land involved in the suo motu proceedings and passed an order in their favour. Aggrieved by the order passed by the Land Tribunal, the Devaswom filed A.A.Nos.18 of 2001, 19 of 2001 and 20 of 2001, on the file of the Appellate Court (LR), Thrissur. The Appellate Authority dismissed the appeals as per the impugned judgment.

2. The revision petitioner Devaswom submits that the party respondents (alleged cultivating tenants) have agreed to recognize the rights of Devaswom and that they have no further claim in respect of the properties. A memo is filed by the counsel for the petitioner and along with the memo, agreements entered into between the party respondents/ cultivating tenants and the Devaswom are also produced. Learned counsel submits that the matter is amicably settled

between the parties and that the respondents/cultivating tenants have no claim in respect of the property in question.

3. In view of the settlement between the parties, it is necessary to set aside the orders passed in S.M.Nos.66, 67 and 68 of 1984 and to dismiss those suo motu proceedings as unnecessary. Accordingly, the Civil Revision Petitions are allowed and the final orders in S.M.Nos.66, 67 and 68 of 1984, on the file of the Land Tribunal III, Malappuram are set aside. The purchase certificates, if any, issued in favour of the party respondents/cultivating tenants are cancelled. Learned counsel appearing for the respondents, Sri.K.M.Sathianatha Menon submits that he has not received instructions from his clients. It is made clear that in case the respondents dispute the aforesaid facts, they are entitled to move an application within one month from today to restore the Civil Revision Petitions to file and to rehear the Revisions.

With these observations, the Civil Revision Petitions are allowed as indicated above.

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

CRP.NOS.1303, 1424 & 1426 OF 2002

O R D E R

30th November, 2007